

REMARKS

Reconsideration of the above-identified application, as amended, is respectfully requested.

In the present Official Action, the Examiner first rejected Claims 1-32 under 35 U.S.C. §102(e), as allegedly being anticipated by Ran et al. (US Patent No. 6,209,026) (hereinafter Ran).

In response, as a preliminary matter, and without conceding as to the propriety of the Ran reference, applicant cancels each of independent Claims 1, 14 and 23 and incorporates the subject matter thereof into respective 12, 22 and 32 now re-cast in independent form. These claims 12, 22 and 32 – now independent claims, had originally set forth the inventive system and method step of placing the device in a “sleep” mode of operation and further implementing an alarm mechanism for placing the wireless data receiver device from the sleep mode to a receive mode for receiving the wireless data communications.

These independent Claims 12, 22 and 32 have been amended herein to further clarify that the present invention includes enabling the user to specify, in a data request, a request for receiving data at a requested future time and location. Respectfully, no new matter is being entered as page 21, lines 24- 33, page 22, lines 15, et seq. and Fig. 7(b), at steps 852 - 859, describe the use of the present invention for enabling users to specify a location at which the requested data information is to be sent to the user device, e.g., through a wireless (e.g., Bluetooth) beacon that is located near the user’s device, e.g., step 855 (Fig. 7(b)), e.g., in a building. Thus, now amended independent Claims 12, 22 and 32 including the feature for enabling the device to be placed in a sleep mode of operation and further implement an alarm mechanism for placing the wireless data receiver device from the sleep mode to a receive

mode enables user receipt of requested information via the wireless data communications in synchronism with user availability at said user-specified future time and location.

Thus, the user does not have to actively participate in receiving the actual data transmission at the requested future time and location, i.e., the wearable appliance implements a built-in alarm mechanism that enables the wireless data receiver device to receive the requested wireless transmission at the specified time and location without requiring further user participation during the transmission.

These features of amended now independent Claims 12, 22 and 32 clarify further novel aspects of the present invention that are neither taught nor suggested by Ran: namely, that it provides users with an asynchronous demand-pull functionality for a wearable digital appliance (e.g., a “smart” watch) that implements a wireless data receiver device by providing a method for communicating data to the wearable appliance so that the device may receive wireless data communications at a user-specified time and location and without user participation. User participation is not required in the present invention as the user device may be programmed to awake the data receiving channel from a sleep mode of operation to automatically wake up just before the receiving the data transmission at the requested time and location if no other application on the device needs to use the receiving communication channel.

Respectfully, notwithstanding the Examiner’s rejection of Claims 12, 22 and 32 in the Office Action, applicant submits that Ran does not teach the notion of powering any data receive device off. At the cited passage in Ran at col. 6, lines 17-25, relied upon by the Examiner in her rejection of Claims 12, 22 and 32, there only appears a teaching of a host server that can prepare the data in a format suitable for a particular wireless device and transmit it to a user device “based on a user-defined frequency”. Applicant is hard-pressed to

find how this is a teaching of a sleep/alarm mode of a wearable appliance that enables the wireless data receiver device to receive the requested wireless transmission at a specified time and location without requiring further user participation during said transmission. That is, Ran does not appear to provide for the scenario if a data receipt device contemplated by Ran is sleeping or off, but rather appears to assume that the devices are “on” and assumed available to receive data.

Thus, in such a scenario, the Ran device will waste energy. Ran also does not specify what device the data will be delivered to – it appears all devices that are registered devices in the Ran system will receive the data, further wasting bandwidth, storage and electrical power.

Thus, effectively, Ran teaches a real-time processing “pull” infrastructure whereby, a user transmits a data request for essentially “time critical” information, e.g., real-time traffic, warnings, information, which is promptly gathered at a central server via a variety of resources, and formatted for transmission back to the same requesting device.

Ran does not provide a teaching or suggestion of a user request that specifies a time and location for delivery of information. Ran is a web-based system that will actually suffer from information overload since a user of the Ran device may receive irrelevant information about certain traffic data that would be largely irrelevant to the user (e.g., a user may receive information about the Whitestone Bridge when he is Westchester and has no intention of crossing the bridge.)

Moreover, it is respectfully submitted that Ran’s notion of transmitting requested data at a “user-defined frequency” is interpreted to mean once a day, once X minutes, etc., but not at a specific time. That is, frequency commonly means a periodic event, not a definable schedule. Thus, a user that wants to hit a series of times with a frequency, for

example, a user who wants delivery at 1.20pm, 1.23pm, 1.27pm, 1.32pm, 1.39pm, and 1.50pm, etc., no frequency can be specified, the time deltas of 3 minutes, 4 minutes, 5 minutes, 7 minutes, 11 etc, have no common factor. Thus, to enable this, using Ran, a user would have to send a request to hit all these times by programming Ran to send the requested data to the user every “1 minute” – which will waste bandwidth and annoy the user. Ran, furthermore, does not appear to teach this frequency granularity for transmitting the data.

Again, respectfully, even though Ran suggests processing data updates at a user-defined frequency, this really connotes a subscribe/push scenario where the requested data is automatically updated and “pushed” to the user device at specified intervals with no guarantee that a user is even present to receive the updates and, which constitutes: a waste of resources, bandwidth memory storage, that the present invention is configured to avoid.

The present invention is rather directed to satisfying an asynchronous request for data, e.g., which may be locally present not gathered from the Internet, unlike in Ran, and received via a first communications means, and further transmitted to a user for receipt at a wearable appliance via a second wireless communications means at a user-specified time and location that ensures user availability, i.e., an asynchronous “demand pull” model.

Further functionality of the invention is provided in new Claims 33-34 dependent upon amended independent claims 12 and 22, which set forth the notion that user selection options may be set in advance and at data request time, to specify what data needs to be sent and when. For example, new Claim 34 sets forth a step of: providing pre-determined personalized selectable menu option choices to a user for user selection at a time of making a data request, said pre-determined personalized selectable menu option choices relating to requests for receipt of data associated with two or more user applications each adapted for

execution on said user hand-held device, and which data is received and maintained for users as part of said associated user applications,

wherein a user is enabled to set specific data delivery options in advance or at data request time to specify, via said menu options, what data needs to be sent and the user-specified time.

Full support for new Claims 33 and 34 is found in the specification for example, in the paragraph bridging pages 17 and 18 of the specification which describes various menu option choices that may be pre-determined and may comprise requests for data associated with two or more user applications that are each adapted for executing on said user hand-held device, e.g., a calendar/appointment book information from a calendar or an address book application, or all e-mail headers since a last time retrieved from an executable e-mail program, or only messages from a management or a day care center, or stock quotes from a financial software application package, etc.

These new Claims 33 and 34 respectfully differentiate over Ran, as again, Ran focuses on specifying real-time information for travel -only. The present invention, on the other hand, is neither focused on the receipt of real time information nor travel information, and further is not necessarily concerned with the real time nature of information as Ran's invention.

For all the foregoing, applicant respectfully submits that new independent Claims 12, 22 and 32 are patentably distinct over Ran, and the Examiner is respectfully requested to withdraw the rejections of all claims under 35 U.S.C. §102(e) and to allow these claims and new Claims 33 and 34 to proceed to issuance. Present Claims 2, 10, 11, 14 and 24 are being amended herein to change their dependency in view of the cancellation of original independent Claims 1, 13 and 32.

In view of the foregoing remarks herein, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steven Fischman', with a long horizontal flourish extending to the right.

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